

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	CASE NO. MJ 07-541
)	
Plaintiff,)	
)	
v.)	DETENTION ORDER
)	
DAVID LEE FRESONKE)	
)	
Defendant.)	
_____)	

Offense charged: Possession with Intent to Distribute Heroin

Date of Detention Hearing: November 29, 2007

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has lengthy criminal history that includes eleven felony convictions, the most of recent of which was 1995. He allegedly admits to a long history of heroin use, up to a 9

01 gram habit as recent as the time of his arrest. He is not currently employed and has no stable
02 residence.

03 2. Prior to his arrest on the instant charges, the defendant is said to have attempted
04 to dispose of the body of an individual who had overdosed in his residence after using heroin and
05 alcohol. As a result of the death, the AUSA proffers that the potential penalty may include a 20
06 year mandatory minimum term. The defendant's roommate was also arrested and charged in a
07 separate case on federal firearms charges.

08 3. The defendant poses a risk of nonappearance due to illegal controlled substance
09 use, some lack of verification of background information, lack of employment, and lack of verified
10 residence. The defendant poses a risk of danger due to the nature and circumstances of the instant
11 offense, a history of substance abuse, and criminal history.

12 4. There does not appear to be any condition or combination of conditions that will
13 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
14 to other persons or the community.

15 It is therefore ORDERED:

16 (1) Defendant shall be detained pending trial and committed to the custody of the
17 Attorney General for confinement in a correction facility separate, to the extent
18 practicable, from persons awaiting or serving sentences or being held in custody
19 pending appeal;

20 (2) Defendant shall be afforded reasonable opportunity for private consultation with
21 counsel;

22 (3) On order of a court of the United States or on request of an attorney for the

01 Government, the person in charge of the corrections facility in which defendant is
02 confined shall deliver the defendant to a United States Marshal for the purpose of
03 an appearance in connection with a court proceeding; and

- 04 (4) The clerk shall direct copies of this Order to counsel for the United States, to
05 counsel for the defendant, to the United States Marshal, and to the United States
06 Pretrial Services Officer.

07 DATED this 29th day of November, 2007.

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09 Mary Alice Theiler
10 United States Magistrate Judge
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